

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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)	
UNITED STATES OF AMERICA)	
)	
v.)	CR. No. 05-cr-10115-JLT
)	
JOSE ORTIZ-PEREZ)	
)	
_____)	

ASSENTED-TO MOTION TO EXTEND TIME TO FILE SUBSTANTIVE MOTIONS

The defendant, Jose Ortiz-Perez, hereby moves to extend the time to file substantive motions for 30 days, to March 3, 2006. As grounds therefor, counsel states that the defendant is held in Bristol County jail, and parallel state charges are still pending against him. It has been difficult to meet with the client, requiring the services of an interpreter, to go over discovery with him, and he has been unable to review discovery. The jail he is held at has no private meeting facilities and in order to prepare and file motions it is necessary to consult with the client regarding the discovery, which includes wire interceptions. Further, until recently the facility did not have a computer which would allow the defendant to review the discovery which had been provided to him, including wire intercepts.

The government assents to this motion.

Respectfully submitted,

/s David Duncan
David Duncan
(BBO #546121)
Zalkind, Rodriguez, Lunt & Duncan, LLP
65A Atlantic Avenue
Boston, MA 02110

(617) 742-6020

January 31, 2006

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/s/ David Duncan

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOSE ORTIZ-PEREZ

CR. No. 05-cr-10115-JLT

**AFFIDAVIT OF COUNSEL IN SUPPORT OF
MOTION TO EXTEND TIME TO FILE SUBSTANTIVE MOTIONS**

I, David Duncan, hereby depose and swear as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and admitted to the bar of this Court. I am also on this Court's CJA appointment list.
2. I was appointed to represent the defendant in the above-captioned case.
3. The government's case depends in part on a stop and search of the defendant which resulted in recovery of drugs, and on wiretaps. In order to prepare motions, I must go over the discovery with the defendant.
4. It has been difficult to meet with the defendant because he has been held in the Bristol County jail, originally in a very old facility without private meeting space for attorney visits. There was, further, no place where the defendant could review discovery, which is on CDs and includes recordings of intercepted conversations in Spanish. I need additional time in order to consult with the client regarding discovery he was unable to review.
5. I have spoken with Assistant U.S. Attorney Lisa Asiaf, and the government assents to this motion.

SUBSCRIBED UNDER PENALTIES OF PERJURY THIS 31st DAY OF JANUARY, 2005.

/s/ David Duncan

David Duncan

(BBO #546121)

Zalkind, Rodriguez, Lunt & Duncan, LLP

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/s/ David Duncan